

**REMARKS**

Claims 28-30 are canceled. As a result, claims 1-6, 9, 10, 17, 21, 26, and 31-56 are now pending in this application. In the Restriction Requirement mailed June 23, 2009, the Examiner has restricted the claims to one of the following inventions under PCT Rule 13.1:

- A) calcium containing ceramic particles (i.e. dicalcium phosphate dehydrate, etc) of claim 1.
- B) a hydrogel (i.e. glycosaminoglycane, etc) (claims 32-39 and 43) and the properties that read on the elected species must be identified (water content (claims 44-45), molecular weight (claims 41-42 and 46-48), weight relationship of A/B (claims 51-56)).
- C) ceramic particles (i.e. calcium carbonate, etc) of claims 28-30.

Applicants elect, without traverse:

- A) alpha-tricalcium-phosphate ( $\alpha\text{-Ca}_3(\text{PO}_4)_2$ ) as a ceramic particle.
- B) glycosaminoglycane as a substance which can be swelled into a hydrogel.
  - less than 99% water
  - molecular weight larger than 300,000 Dalton
  - weight relationship A/B is between 0.2 and 0.5

Applicant has cancelled claims 28-30 thereby rendering the Restriction of Ceramic Particles under C) moot. Withdrawal of the "C)" Restriction is respectfully requested.

Applicant respectfully submits that at least claims 1-6, 9, 10, 17, 21, 31-36, and 38-51 are drawn to the elected species. Applicant requests examination of all other species upon allowance of a generic claim. Applicant notes that claims 1-6, 9, 10, 17, 21, 26, and 28-56 are indicated as generic in the present Restriction Requirement.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date July 23, 2009

By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23 day of July, 2009.

Zhakalazky M. Carrion

Name

Signature

